

Resolution #TC -1937

Resolution to Direct Staff to Prepare a Report Pursuant to HB 10-1405

Approved by the Transportation Commission on:

December 16, 2010

WHEREAS, HB10-1405 (the Act), “Concerning a study of the options for devolution of state highways that are commuter highways to local governments” was passed requiring the Transportation Commission to conduct or direct the Department of Transportation to conduct a study of the state highway system to determine which state highways are commuter highways; and

WHEREAS, the Act defines a “commuter highway” as a state highway that is located within a metropolitan planning organization (MPO) territory; is not an interstate; and is used at least 80% of the time for trips within the territory of the MPO; and

WHEREAS, the Act specified any such removal of a state highway, or portion thereof, resulting from any recommendation shall avoid placing any unfunded mandates on any affected local governments, but did not clearly define unfunded mandates; and

WHEREAS, the Act requires the Transportation Commission to report the results of the study to the House and Senate Transportation Committees of the legislature by February 1, 2011 and the Commission may include in the report recommendations as to whether all or some of the identified commuter highways should be removed from the state system and thereafter maintained by counties or municipalities; and

WHEREAS, there are insufficient resources at the state and local level to maintain roadways, and the Act allowed for modification of the formulas used to allocate moneys in the Highway Users Tax Fund but made no net additional funds available for maintenance and supervision of any devolved highways.

WHEREAS, there are substantial challenges with devolution including but not limited to:

1. Ability and cost of local jurisdiction maintenance
2. Connectivity of the state highway system (including continuity of freight movement through urban areas and the transportation of hazardous materials)
3. Time related traffic volumes and patterns

4. Intergovernment funding effects and constitutional protection of transfers
5. Number of state highway lane miles in the jurisdiction
6. Federal funding and federal control issues
7. Existing technology infrastructure on many state highway routes.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission instructs staff to prepare a report to the legislature detailing which highways in MPO areas would be considered commuter highways.

BE IT FURTHER RESOLVED, that the Transportation Commission opposes highway devolution as conceived in HB 10-1405, as there are already adequate devolution mechanisms in place to facilitate abandonment of state highways, and therefore no further legislative action is required.